

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Case No. 1:20-op-45281-DAP

*Board of Education of Thornton Township
High Schools, et al. v. Cephalon, Inc., et al.;*

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**STIPULATION AND [PROPOSED] ORDER
DISMISSING WITH PREJUDICE CLAIMS
PURSUANT TO NATIONAL SETTLEMENT AGREEMENTS**

WHEREAS on March 24, 2021, the Governor of the Commonwealth of Kentucky signed into effect a statute passed by the Kentucky legislature that states, in relevant part, that “[t]o the extent that settlement has been reached in any litigation against” McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Inc., and “any of their affiliates or subsidiaries related to opioid manufacturing or distribution to the extent included in a settlement agreement, ... each county, consolidated local government, urban county government, city, political subdivision, and public agency ... of the Commonwealth shall be deemed to have released its claims” against any such company, *see* KY. REV. STAT. § 15.293(4)(a)-(d) (the “Kentucky Bar Statute”);

WHEREAS Plaintiffs Wolfe County Public Schools, Owsley County Public Schools, LaRue County Public Schools, Martin County Public Schools, Menifee County Public Schools, Harrison County Public Schools, Johnson County Public School District, Jefferson County Public Schools, Hart County Public Schools, Lawrence County Public Schools, Fayette County Public Schools, Estill County Public Schools, Bullitt County Public Schools, and Breathitt County Public

Schools (together “Kentucky Public School Plaintiffs”), are political subdivisions as the term is used in the Kentucky Bar Statute;

WHEREAS the Commonwealth of Kentucky has elected to participate in the Distributor Settlement Agreement and Janssen Settlement Agreement, which were announced on July 21, 2021 and have an Effective Date of April 2, 2022, with Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively and together with their Distributor Released Entities, the “Settling Distributor Defendants”¹) and Johnson & Johnson, Inc., Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., (collectively and together with their Janssen Released Entities, the “Janssen Defendants”²), respectively; and

WHEREAS the Kentucky Bar Statute in conjunction with the Distributor Settlement Agreement and Janssen Settlement Agreement act to release the claims of the Kentucky Public School Plaintiffs against Settling Distributor Defendants and Janssen Defendants;

THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record for the Kentucky Public School Plaintiffs and the Settling Distributor Defendants and Janssen Defendants that, pursuant to the Commonwealth of Kentucky’s participation in the Distributor Settlement Agreement and Janssen Settlement Agreement, which, because of Kentucky’s statutory bar against opioid-related claims against Settling Distributor Defendants and Janssen Defendants, extinguishes the claims of the Kentucky

¹ The Distributor Released Entities are each and every entity of any of the Settling Distributor Defendants that is a “Released Entity” as set forth in Section I.HHH and Exhibit J of the Distributor Settlement Agreement, dated as of March 25, 2022.

² The Janssen Released Entities are each and every entity of any of the Janssen Defendants that is a “Released Entity” as set forth in Section I.61 and Exhibit J of the Janssen Settlement Agreement, dated as of March 30, 2022.

School District Plaintiffs, all claims of the Kentucky School District Plaintiffs against any Settling Distributor Defendants in or Janssen Defendants in MDL 2804, are hereby voluntarily **DISMISSED WITH PREJUDICE**, with each party to bear its own costs. The Court shall retain jurisdiction with respect to the Distributor Settlement Agreement and Janssen Settlement Agreement to the extent provided under those Agreements.

Dated May 9, 2022 Respectfully submitted,

Agreed as to form and substance:

/s/ Ronald E. Johnson, Jr.

Ronald E. Johnson, Jr.

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**MCKESSON CORPORATION, d/b/a
MCKESSON DRUG COMPANY**

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*Counsel for Defendants Johnson & Johnson; Janssen
Pharmaceuticals, Inc.; Ortho-McNeil-Janssen
Pharmaceuticals, Inc.; and Janssen Pharmaceutica, Inc.*

SO ORDERED this ____ day of May, 2022.

Hon. Dan Aaron Polster
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/ Steven M. Pyser

Steven M. Pyser